

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN J. ALLEE,

Plaintiff,

v.

NEBRASKA ATTORNEY GENERAL,
et al,

Defendants.

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8:05CV229

ORDER

This matter is before the court on Justin Allee's unopposed motion for an extension of time, Filing No. 40. On August 13, 2007, this court entered an order granting a stay and abeyance to allow Allee to exhaust claims in state court. Filing No. 39. Allee has shown that he will need additional time to file his claim. Mindful that mixed petitions should not be stayed indefinitely, "district courts should place reasonable time limits on a petitioner's trip to state court and back." *Rhines v. Weber*, 544 U.S. 269, 277-78 (2005). The court finds, under the circumstances in this case, that a brief extension is warranted. Accordingly,

IT IS ORDERED:

1. Plaintiff's motion for an extension of time is granted.
2. Within sixty days of the date of this order, Plaintiff shall file a pleading in this court certifying that the state court action has been filed.
3. Within ninety days of plaintiff's certification to this court, and every ninety days thereafter, plaintiff shall file a status report to the court.
4. Within 30 days from the date of the resolution of the state postconviction action, plaintiff shall file a motion to lift the stay and if appropriate, a motion for leave to file an amended habeas petition.

DATED this 31st day of August, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge